

EXHIBIT 2

Deposition of Angela Jarosik

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Kim vs. BMW

Deposition of Angela Jarosik

1 Q. Okay. How did you get the address for my client
2 in order to send him that initial paperwork?
3 A. It was provided by David Webster.
4 Q. So the email, I presume, contained some kind of
5 contact information so that you could send Mr. Kim the
6 identity theft packet?
7 A. Yes.
8 Q. Okay. So when did you send the letter to Mr. Kim?
9 A. On September 10th, 2013.
10 Q. And that packet contained a cover letter and a
11 blank affidavit. Correct?
12 A. Correct.
13 Q. Is there anything else that you remember sending
14 to Mr. Kim on that initial contact?
15 A. No.
16 Q. Okay. What happened next? So you sent out the
17 letter and then what?
18 A. And then I updated my spreadsheet, and at that
19 point nothing further is done.
20 Q. Okay. And the next time that you had access or
21 that you accessed the account was when you received the
22 fraud paperwork from my client. Correct?
23 A. Correct.
24 Q. When was that?

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1 A. That was on September 23rd, 2013.
2 Q. Okay. Let me go back for one second.
3 MS. CALEY: And I just want to note it is
4 twelve. Do you have an idea -- obviously we're not
5 going to finish with her before lunch. Do you have
6 a time when you want to stop?
7 MS. TATER: Let's get through -- can we
8 go, like, 15 more minutes?
9 MS. CALEY: Sure.
10 MS. TATER: I'm going to ask her just this
11 stuff about the fraud packet and then we can take a
12 break. How long of a lunch did you want?
13 MS. CALEY: What we can do is -- what --
14 MS. TATER: Let's go off the record for
15 this.
16 (Discussion held off the record.)
17 MS. TATER: Let's go back on the record.
18 BY MS. TATER:
19 Q. I'm going to show you what I will mark as Exhibit
20 No. 3.
21 ---
22 And, thereupon, Deposition Exhibit No. 3
23 was marked for purposes of identification.
24 ---

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1 BY MS. TATER:
2 Q. Do you recognize that document?
3 A. Yes.
4 Q. And what is that document?
5 A. That's the cover page of our identity theft
6 packet.
7 Q. And that's a letter that was sent to my client.
8 Correct?
9 A. Correct.
10 Q. What address was that sent to?
11 A. 410 South Hobart Boulevard, Apartment 214.
12 Q. And that's in Los Angeles, right?
13 A. Yes.
14 Q. Once you sent that out, you noted your Excel
15 spreadsheet and then you did nothing on the account until
16 you obtained the identity theft packet back from Mr. Kim.
17 Correct?
18 A. Correct.
19 Q. Okay. What did you get back from Mr. Kim?
20 A. Do we have a copy of that?
21 Q. Would it be noted in your account notes what you
22 received from Mr. Kim?
23 A. No. I mean, it would be attached, but not
24 detailed out in the account notes.

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1 Q. Let me ask you, do you recall receiving a police
2 report from Mr. Kim?
3 A. Yes.
4 Q. What about the completed identity theft affidavit?
5 A. Yes.
6 Q. A driver's license copy?
7 A. Yes.
8 Q. And let's see here. Okay. Did he provide you a
9 copy of his social security card?
10 A. Yes.
11 Q. Did he provide you proof of his residency at the
12 time that the fraud was committed?
13 A. Yes.
14 Q. And do you recall in what form that was?
15 A. An apartment lease.
16 Q. Okay. Is there anything else that you received
17 other than the notarized affidavit, the police report, the
18 proof of residency, and the driver's license and social
19 security card?
20 A. He also sent a printout of an Experian report.
21 Q. And that would be the Experian credit report?
22 A. Yes.
23 Q. And he highlighted information on there or he
24 circled information that didn't belong to him on that

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1 report; is that right?
 2 A. According to him, yes.
 3 Q. Right. And one of those trade lines that he
 4 circled was the BMW Financial Services trade line. Correct?
 5 A. Correct.
 6 Q. Okay. Did you ask him for a credit report?
 7 A. No.
 8 Q. Did the credit report assist you in your
 9 investigation at all?
 10 A. No.
 11 Q. Okay. How come?
 12 A. It really doesn't provide any other information
 13 regarding his vehicle with us. That's what I was
 14 investigating. So the other accounts that show up on his
 15 bureau aren't considered in my investigation.
 16 Q. The copy of the driver's license that Mr. Kim
 17 provided you, was it a legible copy of his driver's license?
 18 A. Yes.
 19 Q. So you get this information from Mr. Kim. What's
 20 the very -- in excruciating detail, which is what we'll also
 21 do after lunch. But I want to know exactly what you did
 22 when you received that information from Mr. Kim. What's the
 23 next thing that you did?
 24 A. After I scanned it in and --

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1 Q. So you get the information, and you then scan it
 2 into the system?
 3 A. Correct.
 4 Q. So there is an electronic version of all the
 5 information that he sent. Correct?
 6 A. Correct.
 7 Q. Okay. And the documents, did he send them in over
 8 fax or was it through the mail?
 9 A. Through the mail.
 10 Q. Okay. And you received them when?
 11 A. September 23rd, 2013.
 12 Q. Okay. Was it an issue that it took, whatever, a
 13 week and a half to get to you? Did that concern you at all?
 14 A. No.
 15 Q. Is that fairly typical in identity theft
 16 investigations that these responses come in a week or two
 17 later?
 18 A. Yes.
 19 Q. Okay. So on September 23rd, you receive a
 20 document from Mr. Kim -- you received a set of documents,
 21 you scanned them into the system, and then you keep the hard
 22 copy in the manila file folder that you've just created on
 23 your desk. Is that fair?
 24 A. Correct.

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1 Q. Okay. What happened next?
 2 A. Then I would send him a letter advising him that
 3 we received his packet and that we will begin our
 4 investigation.
 5 Q. Okay. And that letter would have been when?
 6 A. September 23rd, 2013.
 7 Q. Okay. I'm going to show you what I'm marking as
 8 Exhibit No. 4.
 9 ---
 10 And, thereupon, Deposition Exhibit No. 4 was
 11 marked for purposes of identification.
 12 ---
 13 BY MS. TATER:
 14 Q. And just for the record, Exhibit No. 3, you
 15 recognize that document. Correct?
 16 A. Correct.
 17 Q. And that's a document that's kept in the regular
 18 course of business here at BMW?
 19 A. Correct.
 20 Q. And this is the document -- did you sign this
 21 document?
 22 A. No.
 23 Q. Do you ever sign the letters that you send out?
 24 A. Sometimes. It just depends on the situation.

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1 Q. But this document, it shows that your name is at
 2 the bottom. So you were the individual responsible for at
 3 least generating the request to send the document. Correct?
 4 A. Correct.
 5 Q. Okay. Let's go to Exhibit No. 4. I'm going to
 6 show you that. Do you recognize that document?
 7 A. Yes.
 8 Q. And what is that?
 9 A. That is confirming the receipt of his packet.
 10 Q. It seems to be a very similar letter to the
 11 September 10th letter except for the second paragraph. Is
 12 that a document that you drafted yourself?
 13 A. It's a template.
 14 Q. So you input the person's name?
 15 A. Yes.
 16 Q. And address?
 17 A. Correct.
 18 Q. And I'm assuming the date is probably
 19 automatically populated. Correct?
 20 A. Correct.
 21 Q. And then you also then have to put in the
 22 vehicle's year, make, and model and the account number.
 23 Correct?
 24 A. Correct.

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1 MS. CALEY: Okay. Wait a minute. You're
2 presuming a lot. You're presuming that it's not one
3 of these documents. You're asking her -- she is
4 here to talk about the fraud identification. Jenny
5 Livingston has not been examined yet.
6 So don't presume what you don't know. So
7 there -- you have been very restrictive of what
8 documents she can look at. She's not that witness.
9 She's not the witness for the name of the account.
10 MS. TATER: Did you produce that document
11 or not? You didn't. Because the only documents we
12 have are the account notes and call log notes and
13 then this investigation and the letters.
14 MS. CALEY: I am not the witness. If you
15 want to take the time, we can stop and go through
16 all of the document requests and reconcile. But you
17 do not get to presume and conclude without
18 completing all of your -- all of the depositions.
19 So you're just making a presumption and you're
20 objecting and just making conclusions and testifying
21 here.
22 MS. TATER: Okay. Thank you for your
23 speaking objection.
24 BY MS. TATER:

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1 Q. Okay. Thank you. That was difficult. Okay. Did
2 you, during your investigation, believe that you needed any
3 additional documentation from my client in order to conduct
4 your investigation?
5 A. No.
6 Q. You felt you had everything that you needed in
7 order to come to a conclusion?
8 A. Correct.
9 Q. Okay. And every document that BMW asked for, my
10 client provided. Correct?
11 A. Correct.
12 Q. Did you get the impression that my client wasn't
13 cooperating with your investigation?
14 A. I'm sorry?
15 Q. Did you get the impression that my client wasn't
16 cooperating with your investigation?
17 MS. CALEY: Objection. Calls for
18 speculation.
19 A. No.
20 BY MS. TATER:
21 Q. Okay. Did you make a determination or did you
22 have any opinions during your investigation as to whether or
23 not my client was cooperating with law enforcement in their
24 investigation of identity theft?

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1 Q. Let's go to Exhibit No. 9.
2 ---
3 And, thereupon, Deposition Exhibit No. 9
4 was marked for purposes of identification.
5 ---
6 BY MS. TATER:
7 Q. Do you see recognize that document?
8 A. Yes.
9 Q. What is it?
10 A. That's the credit application provided at the time
11 of -- when the customer signed.
12 Q. And is that one of the documents you reviewed
13 during your investigation?
14 A. Yes.
15 Q. What is the person's first name on that document?
16 A. Seung.
17 Q. What is the person's middle name?
18 A. I don't know.
19 Q. Not listed?
20 A. It's an initial.
21 Q. What's the initial?
22 A. "T".
23 Q. And then what's the last name?
24 A. It's -- oh, Kim.

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1 A. What was the question?
2 Q. Did you make an opinion or have an opinion during
3 the course of your investigation as to whether or not my
4 client was cooperating with law enforcement with respect to
5 his police report and identity theft?
6 MS. CALEY: Objection. Calls for
7 speculation.
8 If you know.
9 MS. TATER: I'm asking if she made an
10 opinion. It's not speculative.
11 A. Yes.
12 BY MS. TATER:
13 Q. You had an opinion?
14 A. Yes.
15 Q. And what was that opinion?
16 A. That because he did not name Mr. Kim on the police
17 report, that it did not validate his claim that Mr. Kim
18 actually stole his information.
19 Q. Do you think that was an important fact in
20 determining that he was a straw purchaser?
21 A. Yes.
22 Q. Is there any one fact that you think is the
23 strongest fact that led you to believe that he was a straw
24 purchaser?

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